



# BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Sergio Mendoza, Planning Director

**Meeting Date:** October 10, 2023

**Agenda Item:** BZA Docket No. 23-009

**Application Type:** **Developmental Standards Variance**

**Hearing:** **PUBLIC HEARING**

**Summary:** Family Dental Care is seeking a Developmental Standards Variance to allow two (2) wall signs that exceed the overall height maximum allowed by ordinance.

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**Applicant:** Alexander Alemis

**Property Address:** 8252 Hohman Avenue

**Current Zoning:** CD-4.A: (General Urban - A District)

**Adjacent Zoning:** North: CD-4.A: (General Urban - A District)  
South: CD-4.A (General Urban-A District)  
East: CD-4.A (General Urban-A District)  
West: CD-4.A (General Urban-A District)

**Action Requested:** Approval of Variance Request

**Additional Actions Required:** Findings of Fact

**Staff Recommendation:** **Deny**

**Attachments:** Supporting documentation for staff report



Family Dental Care is seeking a Development Standards Variance to allow two (2) wall signs that exceed the overall height maximum allowed by ordinance.

According to the Munster Character-Based Zoning Code, Table 26-6.701.B Sign Size indicates that the overall maximum height of a wall sign shall be 48.” The petitioner is requesting a variance to allow for two signs with overall heights of 73” and 71.”



Figure 2 Proposed Sign 71”.

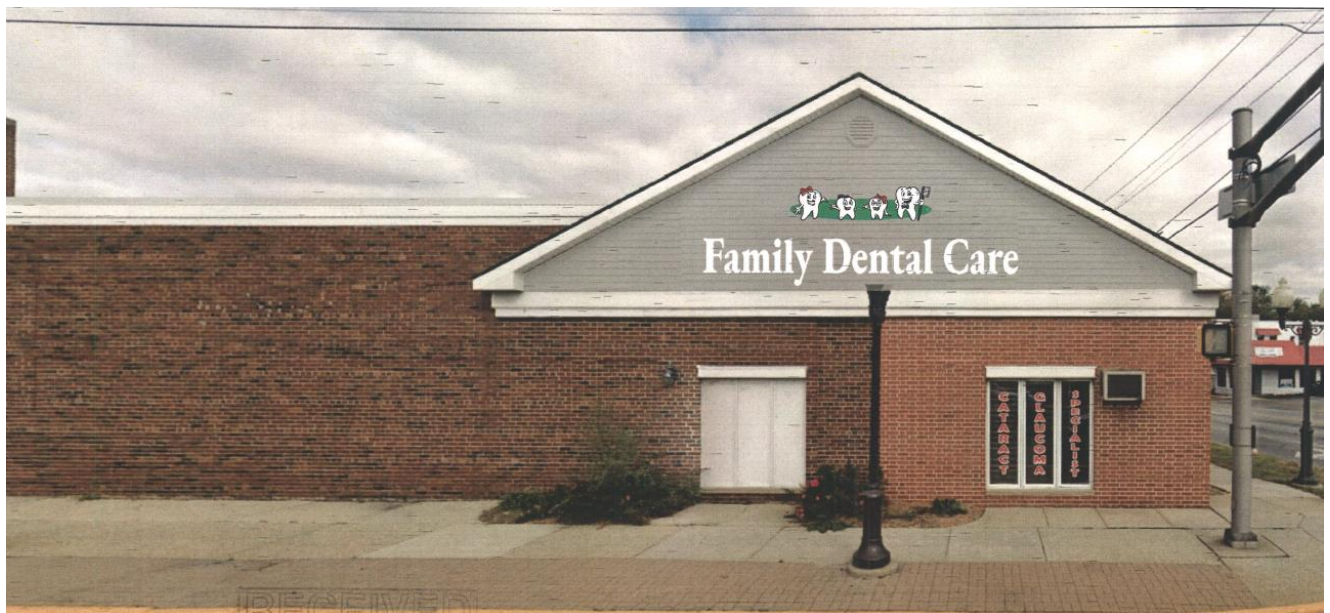


Figure 3 Proposed Sign 73”.

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**VARIANCE STANDARDS**

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

**The applicant has addressed these criteria in the attached application.**

## STAFF RECOMMENDATION

Prior to submitting this variance request, the petitioner submitted a sign application which conformed to the town's wall sign requirements which was approved (*see figure 4*). Staff is not able to identify any practical difficulties, hardships, or peculiarities where relief should be sought. With this understanding, staff would recommend denial of the variance request and encourage the petitioner to resubmit a sign application that complies with the town's current sign standards.



*Figure 4 Previously proposed sign 24" max height.*

## MOTION

The Board of Zoning Appeals may wish to consider the following motion:

*Motion to deny BZA 23-009.*